

Appl. No. : 10/052,977
Filed : January 17, 2002

REMARKS

The foregoing amendments to the claims are responsive to the February 11, 2004, Office Action. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Obviousness-Type Double Patenting Rejection of Claims 12, 15, 17 and 20

The Examiner rejected Claims 12, 15, 17 and 20 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-9 of the '921 patent. Claims 12, 15, 17, and 20 have been canceled. Accordingly, Applicants request the Examiner to withdraw the rejection for obviousness-type double patenting

Effective Filing Date of the Claims

The Examiner asserts that the current subject matter has support in the immediate parent application but not in any of the other parent applications. Applicants respectfully point out that support is found in applications prior to the immediate parent application, and thus the effective filing date precedes November 1, 1999. See, for example, the discussion in connection with Figures 6a-b and the discussion in connection with Figures 8a-b of parent U.S. Patent No. 5, 590,649.

Rejection of Claims 12, 15, 17, and 20 Under 35 U.S.C. 102(e)

The Examiner rejected Claim 12, 15, 17, and 20 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,279,303 to Kawamura.

Regarding Claim 12, Kawamura does not teach or suggest receiving a calibration signal from a calibration device configured to provide an accurate representation of the blood pressure of a patient, receiving a continuous signal from a sensor configured to detect one or more attributes of a perturbation of an artery of the patient, calibrating, with the calibration signal, one or more of a plurality of parameters derived from at least the continuous signal, calculating the blood pressure of the patient from one or more of the plurality of parameters, tracking one or more of the plurality of parameters, and when the one or more tracked parameters exceed a threshold, recalibrating the one or more calibrated parameters.

Regarding Claim 15, Kawamura does not teach or suggest the method of Claim 12, wherein the one or more tracked parameters comprises a trigger parameter.

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Regarding Claim 17, Kawamura does not teach or suggest the method of Claim 12, wherein the one or more tracked parameters comprises a change in a trigger parameter.

Regarding Claim 20, Kawamura does not teach or suggest an input calibration signal from a calibration device configured to provide an accurate representation of the blood pressure of a patient, an input noninvasive sensor signal from a sensor configured to detect one or more attributes of a perturbation of an artery of the patient, and a processor which determines when to employ the input calibration signal to recalibrate one or more of a plurality of parameters based on a threshold value of at least one of said parameters, wherein the processor uses the plurality of parameters and the input noninvasive sensor signal to continuously calculate the blood pressure of the patient.

Accordingly, Applicants assert that Claims 12, 15, 17, and 20-23 are allowable. Nevertheless, in order to expedite allowance of the remaining claims, Applicants have canceled Claims 12, 15, 17, and 20-23.

Objection to Claims 13, 14, 16, 18, and 19

The Examiner objected to Claims 13, 14, 16, 18, and 19 as being dependent on a rejected base claim. Applicants have rewritten Claims 13, 14, 16, 18, and 19 in independent form including the limitations of the base claim and any intervening claims. Accordingly, Applicants assert that Claims 13, 14, 16, 18, and 19 are in condition for allowance, and Applicants request allowance of Claims 13, 14, 16, 18, and 19.

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Summary

In view of the above amendments and arguments, Applicants assert that Claims 1-11, 13, 14, 16, 18, and 19 are in condition for allowance, and Applicants request allowance of Claims 1-11, 13, 14, 16, 18, and 19. If there are any remaining issues that can be resolved by a telephone conference, the Examiner is invited to call the undersigned attorney at (949) 721-6305 or at the number listed below.

Respectfully submitted,

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Dated: May 11, 2004

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